

Sunset Public Hearing Questions for
Compact for Supervision of Adult Offenders
Created by Section 40-28-401, *Tennessee Code Annotated*
(Sunset Termination June 2018)

1. Provide a brief introduction to the Compact for Supervision of Adult Offenders, including information about its purpose, requirements, and the state officials and staff involved in the administration of the compact in Tennessee.

The Interstate Compact for Adult Offender Supervision (ICAOS) provides the sole statutory authority for regulating the transfer of adult parole and probation supervision across state boundaries. The mission of the Compact is to govern the relocation of parole and probation offenders in a manner that promotes effective supervision strategies that are consistent with public safety, offender accountability, and victim's rights.

The Compact currently has jurisdiction over more than 121,000 offenders. All 50 states are members of the Compact, as are the District of Columbia, Puerto Rico and the US Virgin Islands.

The Interstate Commission provides day to day oversight of the Compact between the states. It promulgates rules to achieve the goals of the Compact, ensures an opportunity for input and timely notice to both victims and jurisdictions where defined offenders are authorized to travel or to relocate across state lines. The Commission also provides member states with an electronic information system to track offender movement and collect uniform data. Additionally, the Commission monitors compliance with the rules governing interstate movement of offenders; initiates interventions to address and correct noncompliance, and coordinates the training and education of local officials.

Tennessee has a Compact Commissioner/Administrator who is a state employee with other duties and serves at no additional cost to the state. There are also two other full time state employees that handle the daily activities related to the Compact. Compact cases are supervised by TDOC Probation Parole Officers.

2. Provide a list of the states with which Tennessee currently has agreements under the compact?

All fifty states, the District of Columbia, Puerto Rico and the US Virgin Islands have agreements under the federal Compact.

3. Article III of the compact requires the governor of each compact state to establish a "State Council for Interstate Adult Offender Supervision." This is also required in Section 40-28-402, *Tennessee Code Annotated*. Please describe the duties of this council and provide a list of current members and note how membership complies with Article III of the compact and Section 40-28-402(a)(1). Which council members serve on the Interstate Commission for Adult Offender Supervision? If there are vacancies on the council, what is being done to fill those vacancies?

The State Council for Interstate Adult Offender Supervision is responsible for the appointment of a Commissioner/Administrator who serves on the Commission to represent the State of Tennessee. While each member state may determine the membership of its own state council, its membership must include at least one representative of the legislative, judicial, and executive branches of government, victims groups and a Compact Administrator.

The State Council exercises oversight and advocacy concerning its participation in Interstate Commission activities and other duties as may be determined by each member state including, but not limited to, development of policy concerning operations and procedures of the compact within that state as well as choosing their own Chairperson and Compact Administrator. The Tennessee State Council is comprised of the following 8 members in accordance with Executive Order #26. See Attached.

Tennessee Senate	Senator Rusty Crowe
Tennessee House of Representatives	Representative Tillman Goins
Board of Parole	Chairman Richard Montgomery
Tennessee Department of Correction	Commissioner Tony Parker
Judicial Branch	Judge Steven Dozier
Tennessee Compact Administrator	Assistant Commissioner Alisha James
Criminal Justice System	Holly Troutman, Attorney
Victims' Group	Verna Wyatt, Tennessee Voices for Victims

There are currently no vacancies on the state council.

4. Who is the Compact Administrator for the State of Tennessee as defined in Article II of the compact and Section 40-28-402(a)(2), *Tennessee Code Annotated*?

Alisha James, Assistant Commissioner TDOC Community Supervision

5. How often has the interstate commission met in the last two years and has Tennessee been represented at all meetings?

The Interstate Commission convenes an Annual Business Meeting. Tennessee has been represented at all of the annual business meetings by the Compact Administrator.

6. Is Tennessee represented on the executive committee of the interstate commission as described in Article III, Section F, of the compact?

Tennessee's Compact Administrator is not a member of the Interstate Commission Executive Committee.

7. In the past two years, how many individuals have been transferred into or out of Tennessee pursuant to this compact? What are the specific responsibilities of the receiving and sending states?

During FY15/16, 2,977 Tennessee offenders were accepted for transfer to another state and 5,144 offenders were accepted for transfer to Tennessee. To date in

FY16/17, 2,967 Tennessee offenders have been accepted for transfer to another state and 5,006 offenders have been accepted for transfer to Tennessee.

ICAOS rules require that the receiving state supervise the in-coming offenders exactly as the state would supervise an offender sentenced in that state. Thus, supervision practices and standards are the same for in-coming ISC offenders as policy mandates for the supervision of Tennessee offenders. The sending state is required to provide background information about the offenders to assist the receiving state with supervision, and is required to retake the offender if the offender violates the conditions of supervision in a significant manner.

Under ICAOS Rule 3.101, the following circumstances require acceptance of the case by the receiving state.

- More than 90 days of active supervision remaining
- A valid plan of supervision
- Offender is in substantial compliance with conditions in the sending state
- Offender has resided in the receiving state for one year prior to and at the time of committing the instant offense, or has Resident Family who have indicated a willingness and ability to assist the offender

The Compact includes provisions for military transfers and for receiving veteran's services, transfers of employment, as well as Discretionary approval of transfers. Most Discretionary cases accepted in Tennessee have dual Tennessee sentences, scholarships to school, or are in life threatening situations in the sending state.

8. How does the compact affect the operations of the Tennessee correctional system?

Tennessee's correctional system is impacted by the Compact in a number of ways.

- Offenders who commit crimes in Tennessee but are residents in other jurisdictions are allowed to return to their home state for supervision, reducing the allocation of public resources required to provide supervision monitoring and resources.
- Supervision of offenders in other jurisdictions provides appropriate monitoring in Tennessee cases while decreasing the likelihood of additional criminal activity by the offender within Tennessee.
- Eligibility criteria for the transfer of supervision from one state to another is standardized, preventing "state shopping" by offenders.
- Sending states are legally obligated to retake offenders who do not remain in compliance while under supervision in Tennessee.

9. What were Tennessee's costs related to the compact during the last two fiscal years? Describe the specific sources and uses of those funds.

Based on an average cost of \$2.49 per day to supervise an offender in the community, the total net cost for supervision of ISC offenders in FY16/17 was \$1,974,873.78.

The cost for the two full time employees for FY16 is \$89,193 and for FY17 is \$90,117.38.

Annual dues for FY16 and FY17 were \$36674.30 per year. These monies are paid out of Appropriations and supervision fees.

10. Does the interstate commission submit an annual report to legislatures, governors, and judiciary and state councils as required in Article IV, 17, of the compact? Please attach a copy of the most recent report.

The annual report of the Interstate Commission for Adult Offender Supervision is published on the ICAOS website and provided to state councils.

http://www.interstatecompact.org/Portals/0/library/publications/annual_reports/ICAOS-Annual-Report-FY2016.pdf

11. How does the receiving state keep the sending state informed of an individual's compliance or noncompliance with the conditions of parole or probation? Can the receiving state revoke the probation or parole of an individual pursuant to this contract?

The sending state can request a progress report at any time and the receiving state is required to submit a detailed report within 30 days. The receiving state reports all new offenses to the state of origin, but cannot revoke the state of origin's sentence imposed on the offender. An offender must be sent back to the state of origin for determination of revocation.

12. Article IX of the compact states that "the Interstate Compact shall levy on and collect an annual assessment from each compact state to cover the cost of the internal operations and activities of the Interstate Commission and its staff, which must be a total amount sufficient to cover the Interstate Commission's budget as approved each year." How much has Tennessee been called upon to pay during the last two fiscal years? How does this compare to the contributions from other member states? How does the interstate commission determine how much each member state must contribute?

The annual dues for the last 2 fiscal years were \$36674.30 each year. This amount was more than what 40 other states paid, equal to what was paid by 7 other states, and less than the amount paid by 5 other states. The legislation requires that the dues formula takes into consideration the population of the state and the volume of interstate movement of offenders in each compacting state. The current formula is the population of the state divided by the population of the United States plus the number of offenders sent from and received by all states, divided by two. These ratios are divided into 6 tiers. See attached.

13. Describe any items related to the compact that require legislative attention and your proposed legislative changes.

No Compact provisions require legislation. Indeed, recent Compact modifications requiring the use of sanctions for non-compliance with conditions of supervision were in line with the mandates of the Public Safety Act of 2016, which was implemented in January 2017.

14. Should Tennessee's participation in the compact be continued? To what extent and in what ways would the absence of the compact affect the public health, safety, or welfare of Tennessee citizens?

Tennessee should continue to participate in the Compact. Membership in the Compact ensures other states are obligated to provide notice to Tennessee of the presence of felony offenders under supervision in Tennessee. The Compact requires specific criteria is met prior to transfer and requires that sending states retake offenders whose non-compliant behavior meets certain criteria. The Compact also allows offenders from Tennessee to seek gainful employment and maintain family ties outside the state while being appropriately supervised.

Failure to maintain membership in the Compact would jeopardize public safety by creating the presence of undocumented felons in our state, eliminate mandates that currently exist to ensure the prompt return of felons who continue to pursue criminal lifestyles to the state of origin, and strip us of our ability to apply standards of supervision to certain felons living in Tennessee.